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EXAMINER

CADUGAN, ERICA E

ART UNIT PAPER NUMBER

3722

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/753,094

Applicant(s)

KOPRAS ET AL

Examiner

Erica E. Cadugan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-35 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/17/04</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: paragraph 0063 of the specification references a Figure 57. However, Figure 57 does not appear to exist.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the shaft having a cross-sectional shape that is selected from a “triangle, a pentagon, a hexagon, a diamond, a rhombus, and an octagon” of claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claim 13 is objected to because of the following informalities: in claim 13, line 4, it appears that “the a central axis...” should be changed to --the central axis...--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 16, 19-22, and 29-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear as set forth in claim 16, via the use of the indefinite article “a”, whether “a first mode” and “a second mode” are intended to be different from the “first” and “second” modes previously set forth in claim 15. It is noted that if they are intended to be different from the previously-set-forth modes, Examiner suggests utilizing language such as “third” and “fourth” modes for clarity in claim 16.

Claims 19 and 29 appear to set forth that the base may be positioned between extended and retracted positions relative to itself (e.g., “a base that may be selectively positioned between an extended position and a retracted position relative to the base”). This is unclear as it is unclear how the base can be both extended and retracted relative to itself.

In claim 30, “the base” lacks sufficient antecedent basis in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 13, 15, 17-20, 25-32, any of which were rejected above under 35 USC 112 are as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,050,003 to Owings et al.

Owings teaches a device including a handle 12 that is selectively attachable to a rotary cutting tool (for example, see Figures 9 and 13). Note specifically that the handle in Figure 9 has at least a portion extending generally perpendicularly to a central longitudinal axis of the rotary cutting tool (see Figure 9). Additionally, as broadly claimed, also note that the handle in Figure 13 is shown having at least a portion that extends generally perpendicularly to the central longitudinal axis of the rotary tool (see Figure 13, noting that the handle has vertically-extending surfaces/portions). Thus, at least as broadly claimed, the handles in each of Figures 9 and 13 can be interpreted to be “substantially perpendicular” to a central longitudinal tool axis as set forth in claim 1.

Re claim 2, note that “body” 56 is integral with the handle, and includes members 52 and 54 for coupling the handle to the tool (see Figures 2-4, for example). Alternatively, note that the front portion of the handle member 12 can be considered the “body” as claimed, and that the “members” 28, 24 couple the handle to the tool (see Figures 2, 3, and 5, for example).

Re claim 3, as broadly claimed, note that the handle 12 itself can (emphasis added) be rotated (for example, manually about an axis such as the horizontal axis as viewed in Figure 2), and thus either of “members” 28 or 52 are thus “rotatable” (as broadly claimed) in that they are “able” to be rotated. Additionally, note that “member” 28 is inserted into an aperture provided in the tool (see Figures 3 and 9), and that “member” 52 is inserted into an aperture in member 44 (Figures 3, 4).

Re claim 4, note that “member” 54 is annular and is considered a “collar” that “closes around” portion 46 of the tool (Figures 3-4).

Re claim 5, as broadly claimed, note that the member 28 can be considered a “base” that is “selectively adjustable” between extended and retracted positions relative to either of the “bodies” described above (see Figures 3-4). Alternatively, note that the right side of the tool head as viewed in Figures 2-4 can be considered, as broadly claimed, a “base”, wherein the “extended” position of such is shown in Figure 4 and the “retracted” position in Figure 3.

Re claim 6, note that 46 is a shaft which, as broadly claimed, is at least indirectly coupled to either of the above-described “bases”, and which is configured for sliding movement within 54, which can be considered “at least a portion of the body” as claimed (Figures 3-4).

Re claim 13, it is noted that the handle, 12, at least when detached from the tool head, “may” be positioned in an infinite number of positions relative to the tool head, including positions in which the handle can be considered perpendicular to and parallel to the central longitudinal axis of the cutting tool of Figure 9, for example.

Re claim 15, note that there appears to be nothing preventing a user from gripping any desired exposed external surface of the handle 12, and thus, any such exposed surface can be

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considered a “gripping” surface as claimed. Note that there are thus “gripping” surfaces of both of the rotary cutting tools of Figures 9 and 13 that are provided “substantially perpendicular” to the central longitudinal axis of the rotary cutting tool when the handle is attached to the tool (see Figures 9 and 13).

Re claim 26, note that, for example, “body” 56 includes coupling “members” 52 and 54 (Figures 2-4).

Re claim 27, again, it is noted that as broadly claimed, the handle 12 itself can (emphasis added) be rotated (for example, manually about an axis such as the horizontal axis as viewed in Figure 2), and thus “members” 52 and 54 are thus “rotatable” (as broadly claimed) in that they are “able” to be rotated. Additionally, note that “member” 52 is inserted into an aperture in member 44 (Figures 3, 4), and that member 54 is annular and is considered a “collar” that “closes around” portion 46 of the tool housing (Figures 3-4).

Re claims 28-29, note that as broadly claimed, note that the member 28, for example, can be considered a “base” that may be selectively positioned between extended and retracted positions (Figures 3-4), and that as the member 28 is being slid between the positions shown in Figures 3 and 4, it passes through an infinite number of positions “selectively”.

Re claim 30, note that “body” 56 is coupled to a “base, such as element 38, via shafts 52, 54, for example. Alternatively, (re claims 30-32) note that the left (as viewed in Figure 2) side of the handle 12 attachment can be considered a “body” as claimed, the right (as viewed in Figure 2) of the tool attachment the claimed “base”, and the dovetail tenon 26 a “shaft” of generally “trapezoidal” cross section.

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8. Claims 1-3, 5, 13-15, 17-20, 22-30, 32-34, any of which were rejected under 35 USC 112 above are as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,813,805 to Kopras.

Kopras teaches a handle 14 attachment that is selectively attachable to a housing 12 of a rotary cutting tool (see Figure 1). Note that the handle 14 is substantially perpendicular to the central longitudinal axis (such central longitudinal axis extending generally horizontally as viewed in Figure 1) of the tool when attached thereto, as viewed, for example, from either of the left or right ends (left or right are as viewed in Figure 1).

Additionally, re independent claim 15, note that any of the surfaces of the handle 14 that are exposed when the handle 14 is attached to the housing 12 are available to be gripped by a user, and thus, as broadly claimed, are considered to be “gripping surfaces”. See, for example, the reproduction of Figure 1 below, wherein Examiner has shown the location of “fingers” in a possible gripping location/configuration. Thus, the handle includes “gripping surfaces” that are “substantially perpendicular” (i.e., more perpendicular than not) to the central longitudinal axis of the rotary cutting tool when the handle is attached to the tool (see Figure 1, for example).





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handle is “substantially perpendicular” or “substantially parallel” to the central longitudinal axis of the tool.

Re claim 14, note that the handle has locations for storing tools or tool bits 32 as well as tool 40 (see Figures 3-4 and col. 7, line 23 through col. 8, line 10, for example).

Re claim 18, it is noted that the members 72, 74 are rotatable and are configured for insertion into apertures 64, 66 of the housing 12 of the tool, and additionally, it is noted that the ends of the handle 14 form “collars” that close around portions 60, 62 of the housing of the rotary cutting tool (Figures 2, 1, and 4).

Re claim 20, note that the “base” 46 is coupled to a “body” 52 via a “shaft” 54/56.

Re claim 22, as broadly claimed, by virtue of its non-circular cross section, the “shaft” 54/56 is considered to be “configured to resist twisting of the body when the attachment is coupled to the rotary cutting tool” (see Figure 2).

Re claim 29, note that the “base” 46 “may be” selectively positioned in one of multiple positions between the extended and retracted position by loosening locking knob and sliding the base 46 to another position (Figure 1, col. 4, line 42 through col. 5, line 45, for example).

9. Claims 1-2, 4-6, 9, 13, 15, 17, 19-20, 25-26, and 28-30, any of which were rejected under 35 USC 112 above are as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,572,715 to Wolff.

Wolff teaches an attachment 1 to a rotary cutting tool such as a drilling or milling machine (see abstract for example), which attachment includes handles 12 (see Figure 1). The rotary cutting tool is clamped between the arms or forks of a split ring 5 (see Figure 1 and col. 4,

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lines 58-61, for example). Thus, the tool axis is vertical as viewed in Figure 1, and the handles 12 extend perpendicular to the vertical as viewed in Figure 1.

Re claim 2, as broadly claimed, the handles 12 are considered to be “integral” with the “body” 7 in that they form a unit therewith and are movable therewith. Note that the “body” 7 is connected to the “member” 5 for coupling the attachment to the tool (Figure 1).

Re claim 4, note that split ring 5 is a “collar”.

Re claims 5-6, base 2 is “selectively adjustable” between extended and retracted positions relative to the “body” 7 as shafts 3 slide therewithin (see Figure 1 and col. 4, line 51 through col. 5, line 12).

Re claim 9, guide stop 19 is considered to be an “edge guide” that is, as broadly claimed, “selectively coupled” to the base 2 in that the edge guide 19 can (emphasis added) be at least manually taken apart from the base 2, apparently by loosening fixing screws 21 and sliding rods 18 from the channels 17 in the base 2 (see col. 5, lines 13-43 and especially lines 22-32, and also Figure 1).

Re claim 13, at least when the attachment is detached from the tool, the attachment can be located in an infinite number of positions relative to the tool, which positions include those as claimed in claim 13.

Re claim 15, it is noted that the handles 12 can be gripped along any exposed surface thereof, and that the handles 12 each include a horizontal cylindrical surface as well as a vertical flat surface that can be so gripped, and which are thus considered to be “gripping surfaces” that are perpendicular and parallel (respectively) to the vertical central longitudinal tool axis (Figure 1).

Re claim 17, it is noted that the “collar” 5 includes at least two members in that it includes two forks (each of which can be considered a “member” as claimed). Also note that the fastening screw 6 can be considered a “member” as claimed in that it serves to selectively couple the attachment 1 to the tool (see Figure 1).

Re claim 29, it is noted that the base is moved through an infinite number of positions between the extended and retracted positions as the “handles” 12 are used to raise the tool up and down along the shafts 3 (Figure 1).

10. Claims 1-6, 9-15, 17-20, 22-23, 25-30, and 32-33, any of which were rejected under 35 USC 112 above are as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by PCT WO 02/04182 ('182).

Re claim 1, note that handle 224 is selectively coupled to rotary cutting tool 200 (Figure 7) via a coupling arrangement located at 240 and including lever 241 and also via an attachment collar 238 (Figure 7, paragraph 0060, for example).

Note that the handle 224 is substantially perpendicular to the central longitudinal axis (such central longitudinal axis extending generally vertically as viewed in Figure 7) of the tool when attached thereto, as viewed, for example, from either of the upper or lower ends (upper or lower are as viewed in Figure 7).

Additionally, re independent claim 15, note that any of the surfaces of the handle 224 that are exposed when the handle 224 is attached to the housing 214 are available to be gripped by a user, and thus, as broadly claimed, are considered to be “gripping surfaces”. For example, the upper horizontally-extending leg of the handle 224 could be gripped by a user, and thus the handle includes “gripping surfaces” that are “substantially perpendicular” (i.e., more

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perpendicular than not) to the central longitudinal axis of the rotary cutting tool when the handle is attached to the tool (see Figure 7, for example).

Re claims 2-3, the upper portion of the handle where the fastening device is located, for example, can be considered the “body”, and the cam shaft of the lever 241 is the “rotatable member” received in an aperture of the tool (see Figures 7, 10, and paragraph 0060-0061).

Re claim 4, see collar 238 in Figure 7 (also paragraph 0062).

Re claims 5-6, note that depth guide 212 moves between a retracted and an extended position relative to the “body” via the shaft 252 sliding within a portion of the body (see Figures 7-11 and paragraphs 0063-0064, for example).

Re claim 9, see Figure 12, noting that edge guide 330 is coupled to the base.

Re claims 10-11, see Figure 12, noting that the dust collector would serve to guide the tool if it were pressed against a guide edge.

Re claim 12, see Figure 7, noting the dust collector 300 (see paragraph 0073).

Re claim 13, it is noted that the handle is detachable. Thus, it is able, at least when detached, to be positioned in an infinite number of positions, including positions in which the handle is “substantially perpendicular” or “substantially parallel” to the central longitudinal axis of the tool.

Re claim 14, note that storage compartment 44 holds a wrench tool (paragraph 0033, Figures 2-3).

Re claim 22, note that the shaft 252 is considered, via its non-circular cross section, to “have a cross-sectional shape that is configured to resist twisting of the body when the attachment is coupled to the rotary cutting tool” (Figure 7, for example).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 14, 23-24, and 33-34, any of which were rejected under 35 USC 112 above are as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,050,003 to Owings et al. as set forth above, and further in view of U.S. Pat. No. 5,813,805 to Kopras et al.

Owings et al. teaches all aspects of the claimed invention as described above, but does not teach that the handle attachment includes a location for storage of tools or bits for use with the rotary cutting tool.

Noting that wrench 40 is a tool and bit 32 is both a bit and a tool, it is noted that Kopras teaches a handle attachment that provides storage locations/compartments for storing both tool bits as well as other types of tools (see Figure 3, for example).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided storage compartments for storing tools, including tool bits as taught by Kopras to the detachable handle taught by Owings for the purpose of enabling such tools, including the bits, to be kept conveniently at hand, as explicitly taught by Kopras (see col. 7, line 66 through col. 8, line 10, for example).

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13. Claims 16 and 35, any of which were rejected under 35 USC 112 above are as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kopras '805 as set forth above.

Kopras teaches all aspects of the claimed invention as described above, but does not teach a "second attachment" as claimed.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided as many of the tools with detachable handles taught by Kopras as were desired or expedient to an end user, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. It is noted that the provision of multiple tools/housings with detachable handles results in a situation wherein a second attachment is provided, which attachment is able to be selectively attached to either the first or the second of the tools/housings, and wherein each handle includes gripping surfaces that are substantially parallel to the central longitudinal tool axis, as well as gripping surfaces that are substantially perpendicular to the longitudinal axis (as described in the above rejection based on Kopras). Thus, for example, the first handle can be considered to be the handle with the gripping surface substantially perpendicular to the axis, and the second handle can be considered to be the handle with the gripping surface substantially parallel to the axis (or vice versa since the handles include both parallel and perpendicular gripping surfaces).

14. Claims 16 and 35, any of which were rejected under 35 USC 112 above are as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff '715 as set forth above.

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Wolff teaches all aspects of the claimed invention as described above, but does not teach a “second attachment” as claimed.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided as many of the tools with the detachable attachment taught by Wolff as were desired or expedient to an end user, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. It is noted that the provision of multiple tools/housings with detachable attachments results in a situation wherein a second attachment is provided, which attachment is able to be selectively attached to either the first or the second of the tools/housings, and wherein each handle includes gripping surfaces that are substantially parallel to the central longitudinal tool axis, as well as gripping surfaces that are substantially perpendicular to the longitudinal axis (as described in the above rejection based on Wolff). Thus, for example, a handle of the first attachment can be considered to be the handle with the gripping surface substantially perpendicular to the axis, and a handle of the second attachment can be considered to be the handle with the gripping surface substantially parallel to the axis (or vice versa since each of the handles include both parallel and perpendicular gripping surfaces).

15. Claims 16 and 35, any of which were rejected under 35 USC 112 above are as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT ‘182 as set forth above.

‘182 teaches all aspects of the claimed invention as described above, but does not teach a “second attachment” as claimed.



However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided as many of the tools with the detachable attachment taught by '182 as were desired or expedient to an end user, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. It is noted that the provision of multiple tools/housings with detachable attachments results in a situation wherein a second attachment is provided, which attachment is able to be selectively attached to either the first or the second of the tools/housings, and wherein each handle includes gripping surfaces that are substantially parallel to the central longitudinal tool axis, as well as gripping surfaces that are substantially perpendicular to the longitudinal axis (as described in the above rejection based on '182). Thus, for example, a handle of the first attachment can be considered to be the handle with the gripping surface substantially perpendicular to the axis, and a handle of the second attachment can be considered to be the handle with the gripping surface substantially parallel to the axis (or vice versa since each of the handles include both parallel and perpendicular gripping surfaces).

16. Claims 24 and 34, any of which were rejected under 35 USC 112 are as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT '182 as applied to claims 15 and 25 above, and further in view of U.S. Pat. No. 5,813,805 to Koprass et al.

'182 et al. teaches all aspects of the claimed invention as described above, and though '182 does explicitly teach the provision of the compartment for storing a wrench as described above and even teaches that other storage compartments can be provided (paragraph 0033), '182 does not explicitly teach that the handle attachment includes a location for storage of bits for use with the rotary cutting tool.

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However, Kopras teaches a handle attachment that provides storage locations/compartments for storing both tool bits 32 as well as other types of tools (see Figure 3, for example).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided storage compartments for storing tools, including tool bits as taught by Kopras to the detachable handle taught by '182 for the purpose of enabling such bits, to be kept conveniently at hand, as explicitly taught by Kopras (see col. 7, line 66 through col. 8, line 10, for example).

17. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of Kopras '805 or Wolff '715 as applied to claims 1, 2, and 5 above, and further in view of U.S. Pat. No. 5,293,915 to Fuchs et al.

Either of Kopras or Wolff teaches all aspects of the claimed invention as described above, but does not teach the claimed "edge guide" of claim 9, nor the "guide" having an "aperture configured for receiving a tool bit therethrough" of claim 10 that is configured for selective coupling with the base.

However, Fuchs teaches a rotary cutting tool having such a guide 18 removably affixed to a base 10 and having a tubular guiding part extending from a surface of the base to abut a portion of a template to thereby guide the cutting tool along the template (see Figures 1 and 5 and col. 2, lines 26-54 and col. 3, lines 29-39).

Re claim 9, note that such a guide 18, as broadly claimed, constitutes an "edge" guide in that it guides the tool along the edge of the template.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the base taught by either of Kopras or Wolff with the template guide taught by Fuchs for the purpose of enabling more precise working to be performed by the devices of Kopras or Wolff by enabling the cutting tools thereof to cut in desired template shapes.

***Allowable Subject Matter***

18. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. Claim 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

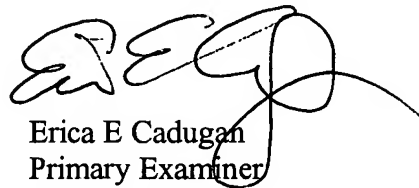
20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E. Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on M-F, 6:30 a.m. to 4:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Erica E Cadugan  
Primary Examiner  
Art Unit 3722

eec  
November 22, 2005